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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Fifth Committee (A/52/724)*]

52/217. Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Taking note of the reports of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991[1] and on conditions of service for the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,[2] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[3]

Noting the improvement in the presentation of the report of the Secretary-General,[1] which was made available in a timely manner and prepared on a full-cost basis with information on the annual cost of new posts and performance indicators, as recommended by the Advisory Committee,[4]

1. *Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[3] subject to the provisions of the present resolution;

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[1] A/C.5/52/4 and Corr.1.

[2] A/52/520.

[3] A/52/696.

[4] A/51/7/Add.7 and Corr.2. For the final text, see *Official Records of the General Assembly, Fifty-first Session, Supplement No. 7*.

2. *Notes* that the Secretary-General will phase out by the end of 1998 the use of gratis personnel in the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, in accordance with the provisions of General Assembly resolution 51/243 of 15 September 1997;

3. *Requests* the Secretary-General to provide in the budget performance report for 1997 the actual performance indicators, with a view to facilitating the assessment of the activities for the International Tribunal;

4. *Also requests* the Secretary-General to include in the budget performance report for 1997 the information requested in paragraph 7 of General Assembly resolution 51/214 B of 13 June 1997;

5. *Agrees* that the consideration of the pension entitlement for members of the International Tribunal should be deferred until the review of the report of the Secretary-General on the emoluments and pension scheme of members of the International Court of Justice to be submitted to the General Assembly at its fifty-third session in accordance with Assembly resolution 50/216 of 23 December 1995;

6. *Approves* the budgetary recommendations of the Advisory Committee as contained in paragraph 21 of its report;[3]

7. *Decides* to appropriate to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 a total amount of 68,829,800 United States dollars gross (62,331,600 dollars net) for the period from 1 January to 31 December 1998;

8. *Recalls* its resolutions 49/242 B of 20 July 1995, 50/212 A of 23 December 1995, 50/212 B and C of 11 April and 7 June 1996, 51/214 A of 18 December 1996 and 51/214 B of 13 June 1997, in which it decided, as an ad hoc and exceptional arrangement, that Member States should waive their respective shares in the credits arising from previous budgets of the United Nations Protection Force, to be transferred to the Special Account for the International Tribunal from the Special Account for the United Nations Protection Force;

9. *Recognizes* that the unencumbered balance of the Special Account for the United Nations Protection Force has now been depleted;

10. *Decides* that the financing of the appropriation for the period from 1 January to 31 December 1998 under the Special Account for the International Tribunal shall take into account the cumulative surplus fund balance of 5.6 million dollars as at 31 December 1995 and the anticipated availability of an unencumbered balance of 10,873,800 dollars gross (10 million dollars net) for 1997, and shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

11. *Takes note* of the information on the expected unencumbered balance at the end of 1997, and decides to take up this issue in the context of its consideration of the budget performance report for 1997;

12. *Decides* to apportion the amount of 26,178,000 dollars gross (23,365,800 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998;

13. *Decides also* to apportion the amount of 26,178,000 dollars gross (23,365,800 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1998;

14. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 12 and 13 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 5,624,400 dollars approved for the International Tribunal for the period from 1 January to 31 December 1998.

79th plenary meeting
22 December 1997

ANNEX

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross	*Net*
	(United States dollars)	
Appropriation for the period from 1 January to 31 December 1998	68 829 800	62 331 600
Less: Estimated unencumbered balance for the period from 1 January to 31 December 1997	(10 873 800)	(10 000 000)
Cumulative surplus fund balance as at 31 December 1995	(5 600 000)	(5 600 000)
Balance to be assessed for the period from 1 January to 31 December 1998,	52 356 000	46 731 600
Of which:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 1998	26 178 000	23 365 800
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for the year 1998	26 178 000	23 365 800